

C

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

January 28, 2003

IN RE:

PETITION OF CITY OF CHATTANOOGA
TO PROVIDE 311 SERVICES

)
)
)
)

DOCKET NO.
02-00974

ORDER APPROVING ALLOCATION OF
N11 NUMBER (311) TO THE CITY OF CHATTANOOGA

This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate and Director Pat Miller of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on November 4, 2002 for consideration of the Petition seeking approval to provide allocation of the 311 abbreviated dialing code to provide access to non-emergency police, government, and other safety and health services to the City of Chattanooga. The Petition was filed by Mr. Mark Keil, Chief Information Officer, and Mr. David R. Eichenthal, Director of Office of Performance Review, on behalf of the City of Chattanooga on October 8, 2002.

Background

FCC's First Report and Order

On February 19, 1997, the Federal Communications Commission ("FCC") released its *First Report and Order and Further Notice of Proposed Rulemaking* in the matter of *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105 ("First Report

and Order”) in which, the FCC responded to a request for an N11 code¹ that can be dialed to reach non-emergency police services by assigning 311 on a nationwide basis for this purpose.² In assigning the abbreviated dialing code 311 for access to non-emergency police and other government services, the FCC found that such an assignment was in the public interest.³ The FCC specifically found in the *First Report and Order*:

Specifically, we respond to a request for an N11 code that could be dialed to reach non-emergency police services by assigning 311 on a nationwide basis for this purpose. Wherever 311 is currently in use for other purposes, however, we would allow that use to continue until the local government in that area was prepared to activate a non-emergency 311 service.⁴

We find that use of an N11 code for access to non-emergency police services could alleviate congestion on 911 circuits, which could permit more effective operation of 911 emergency services. By promoting the safety of life and property, ensuring the public prompt access to emergency services is consistent with the purpose stated in Section 1 of the Act. In determining not to alter 911’s designation as a national code for emergency services, we have already noted that the use of 911 for this purpose “clearly serves the public interest because end users know that they can dial this code from virtually any exchange in the country in order to obtain emergency assistance.” Therefore, ensuring that 911 circuits are not overburdened with non-emergency calls is also of utmost importance. Eventually, the use of a single N11 code nationwide for non-emergency calls will let callers know that they can dial this code from any exchange (to obtain necessary governmental services) without hampering others’ access to 911 for emergencies. We also are confident that local education programs will help ensure that members of communities become aware of: (1) the new non-emergency number and its primary purpose; (2) the importance of continuing to dial 911 in real emergencies; and (3) any secondary uses for the new code in the particular jurisdiction. [footnotes omitted]

Based on the findings noted above, the FCC has directed the North American Numbering Plan (“NANP”) Administrator, as of the effective date of the *First Report and Order*, to assign

¹ Under the North American Numbering Plan (NANP), N11 codes are known as service codes. See *First Report and Order*, footnote no. 2, (Feb. 19, 1997).

² *First Report and Order*, at Para. 2.

³ *First Report and Order*, at Para. 35.

⁴ *First Report and Order*, at Paras. 2-3.

311 as a national number through which the public can gain access quickly to non-emergency police and other government services such that when a provider of telecommunications services receives a request from an appropriate entity to use 311 for access to non-emergency police and other government services, the NANP Administrator must ensure that, within six (6) months of the request, entities that were assigned 311 at the local level prior to the effective date of the *First Report and Order* (1) relinquish non-compliant uses; and (2) take any steps necessary to complete 311 calls from their subscribers to a requesting 311 entity in their service area.⁵ The FCC found further that state and local governments can better address any conflicting requests for use of 311 and should have the discretion to determine whether 311 should be used locally to reach other government services.⁶

TPSC's 1993 Interim Order

The Interim Order issued on October 20, 1993 by the Tennessee Public Service Commission ("TPSC") in TPSC Docket No. 92-13892 ("TPSC Order") sets forth criteria appropriate for the Authority's review of this Petition. These criteria include: (1) the overall financial fitness of the applicant; (2) the technical ability and willingness of the applicant to provide the service on a permanent and continuous basis; (3) the ability and willingness of the applicant to abide by applicable TPSC rules and policies; (4) the rates, services and collection practices to be utilized by the applicant; (5) the extent and duration of the applicant's service to the local community; (6) anticipated future uses by the community of the proposed service being offered by the applicant; and (7) the type of information services to be provided by the applicant over N11 and its relative value to the public and local community.⁷

⁵ *First Report and Order*, at Para. 35.

⁶ *First Report and Order*, at Para. 37.

⁷ *In Re: Investigation of N11 Allocations*, TPSC Interim Order, Docket No. 92-13892, pp. 4-5 (Oct. 20, 1993).

City of Chattanooga's Petition

The City of Chattanooga filed its Petition with the Authority on October 8, 2002 seeking allocation of the 311 abbreviated dialing code. The Petition and supporting documentation declare the City's plans to enable its residents to call one phone number to gain access to non-emergency police and government services from a centralized source.

Findings and Conclusions

The Authority finds that reliance on the criteria in the TPSC Order does not conflict with the FCC's national assignment of the 311 abbreviated dialing code and that these criteria continue to be instructive as the Authority carries out its role of making local assignments. Accordingly, the Authority, finds that the City of Chattanooga's Petition satisfies the criteria given that the 311 service will be funded through the City's general fund, and given that the City has a thirty-three member staff dedicated to providing information and telecommunications services to all City Departments.

1. **Overall financial fitness, both historical and future:** The City of Chattanooga provided audited financial statements proving its overall financial fitness for year-end 2001. This financial information states that the 311 services will be funded through the City's general fund, and that the City has a projected revenue of \$146,170,526.00 for year-end 2003.

2. **Overall technical ability and willingness to provide service on a permanent and continuous basis:** The City of Chattanooga states that it has a thirty-three member staff providing information and telecommunications services to all City Departments. The City describes its staff as prepared, dedicated and professional. There are two staff members dedicated to managing and coordinating all telecommunications for the City. The City's principal provider is BellSouth Telecommunications, Inc. The City has also contracted with Motorola, Inc. to provide software and a customer service request system that includes technical

assistance. Initially, the One Call Center will consist of five city employees who will indirectly report to the Mayor through the Director of the Office of Performance Review.

3. Ability and willingness to comply with any applicable Authority rules and policies:

The City of Chattanooga has provided a statement that it will follow the Authority's rules and policies.

4. The rates, services and collection practices to be utilized by the service provider in providing N11 service: The City of Chattanooga states that it will provide information and telecommunications services without charge to anyone in its service areas.

5. The extent and duration of the applicant's service to the local community included in the N11 calculation: Upon implementation of the One Call Center, the residents of the City of Chattanooga will no longer be required to select from numerous telephone numbers at multiple City departments. By utilizing the 311 access code, they will be able to continue to call 911 for emergency services, and a single number for all other City departments with the exception of some non-emergency services at the police and fire departments. At inception, the service will be provided from 8:00 a.m. until 6:00 p.m. on weekdays. A message center will be provided for evenings, weekends and holidays.

6. Anticipated future uses by the community of the proposed service and the provider's overall experience in providing information to this community: The City will consider utilizing the 311 access code for those non-emergency services provided by the police and fire departments that are not a part of the initial phase of the implementation of the City's One Call Center. City officials in Chattanooga have stated that they will work with Hamilton County officials toward the goal of utilizing the 311 access code for all non-emergency city and county government services.

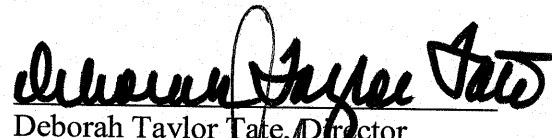
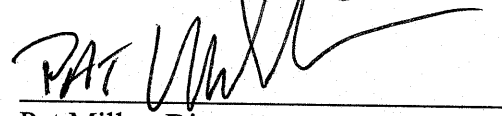
7. **The type of information services to be provided over N11 and its relative value to the public and local community:** Implementation of the One Call Center in Chattanooga will enable the City to increase citizen access to government service and enhance the accountability of government departments. The One Call Center will provide information about many non-public safety services or health services such as garbage pickup or the operating hours of recreational centers.

Based upon careful consideration of the Petition and the exhibits attached to the Petition, and in following the mandate set forth in the FCC's *First Report and Order* and the criteria set forth in the TPSC's 1993 Interim Order, the Directors voted unanimously to approve allocation of the 311 abbreviated dialing code to the City of Chattanooga.

IT IS THEREFORE ORDERED THAT:

1. The Petition filed by the City of Chattanooga, a municipality, seeking allocation of the 311 abbreviated dialing code to provide information and telecommunications services to its residents is approved.

2. BellSouth Telecommunications, Inc. shall file the appropriate tariff or contract service arrangements specifying N11 rates, terms and conditions; such filing shall be comparable to the rates, terms and conditions approved for other N11 providers in Tennessee or provide a detailed cost justification for the proposed rates.


Sara Kyle, Chairman
Deborah Taylor Tate, Director
Pat Miller, Director